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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,002	04/06/2006	Robert Albertus Brondijk	NL 031225	8644
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EXAMINER FAAL, BABOUCARR				
ART UNIT 2189		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/575,002

Applicant(s)

BRONDIJK, ROBERT ALBERTUS

Examiner

BABOUCCARR FAAL

Art Unit

2189

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 10 and 15-25 is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-14, 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-8, 11-14 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art herein AAPA in view of Tsuchiya JP 2000-285609 (translation) herein Tsuchiya.

4. Per claim 1, AAPA discloses: **A Medium access device capable of writing information in a logical storage space of a storage medium which has a physical storage space** (pg. 2 lines 6-10 and lines 21-25) **comprising two or more layers of physical storage locations, each storage location having a physical address,** (pg. 2 lines 27-28) **the logical storage space comprising storage locations within a first one of said layers and within a subsequent one of said layers, the storage locations in said logical storage space having contiguously numbered logical**

addresses; (pg. 2 lines 27-31) the medium access device having an address limit memory containing at least a value for a parameter indicating the maximum value of the logical addresses of the storage locations in the said first storage layer;
(pg. 4 lines 1-3)

5. AAPA does not specifically disclose: **the medium access device comprising means for changing the value in said address limit memory.**

6. However, Tsuchiya in an analogous art discloses: **the medium access device comprising means for changing the maximum value in said address limit memory** (pg. 1 claim 1 lines 3-6; discloses changing the layer boundary (max value) to coincide with the record data boundary(cell boundary). Per the applicant's specification, the means for changing is a medium access device. Thus, the examiner notes that Tsuchiya discloses a means for changing the layer boundary (max value) to coincide with the record data boundary(cell boundary) (fig.1))

7. It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of AAPA and Tsuchiya because Tsuchiya avoids production picture and playback voice to deteriorate during a layer transition (¶0010 & 0011)

8. Per claim 2, AAPA discloses: **adapted to compare the logical address of the current block with the maximum value stored in the address limit memory while writing in said first storage layer and, if the result of this comparison shows that the maximum value has been reached for said first storage layer, to make a transition to the first available block in the next storage layer** (pg. 4 lines 1-3)

9. Per claim 3, AAPA discloses: **store a certain the maximum value in the address limit memory** (pg. 4 lines 1-3; disk drive has parameter maximum vale)

10. AAPA does not specifically discloses: **write the maximum value to a predetermined storage location of said storage medium**

11. However, Tsuchiya discloses: **write the maximum value to a predetermined storage location of said storage medium** (pg. 1 claim 1 lines 3-6; discloses changing the layer boundary to coincide with the record data boundary(cell boundary))

12. It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of AAPA and Tsuchiya for the same reason set forth in the rejection of claim 1.

13. Per claim 4, it contains the same limitation as claim 1 and is rejected for the same reason set forth in connection the rejection of claim 1.

14. Per claim 5, it contains the same limitation as claim 1 and is rejected for the same reason set forth in connection the rejection of claim 1.

15. Per claim 6, AAPA discloses: **the host device being adapted to send data to said medium access device, the data containing information to be written on said medium and/or containing instructions for said medium access device;** (pg. 2 lines 4-8. Even though the examiner believes the prior art teaches the limitation, this limitation is not positively recited from the usage of "capable of" or "adapted to" therefore the prior art is not required to teach the limitation.)

16. AAPA discloses a host device but does not specifically discloses: **the host device being adapted to send a limit fix command to said medium access device**

for instructing said medium access device to store a host-determined value in its address limit memory

17. However, Tsuchiya discloses: **the host device being adapted to send a limit fix command to said medium access device for instructing said medium access device to store a host-determined value in its address limit memory** (§0052 lines 3-6; record data generating equipment generates a layer boundary and store the layer boundary in the disk drive)

18. It would have been obvious to one having ordinary skill in the art at the time of the invention the teachings of AAPA and Tsuchiya for the same reason set forth in the rejection of claim 1.

19. Per claim 7, Tsuchiya discloses: **adapted to send a video signal to said medium access device, the host device being capable of evaluating the video signal to be written so as to determine where cell boundaries in this video signal are to be expected**, (§0023; Encoding the video and storing the results in hard disk drive; §0025 recording data generation equipment generates units according to the contents of the encoded data stream and the objects of the units are cell boundaries (§0027) Even though the examiner believes the prior art teaches the limitation, this limitation is not positively recited from the usage of "capable of" or "adapted to" therefore the prior art is not required to teach the limitation.) **to calculate a suitable value for said parameter such that a block for which it holds that a logical address is equal to the maximum value corresponds to a cell boundary**, (§0012 line 3-6; generate LMax/layer boundary) **and to send a limit fix command to**

said medium access device for instructing said medium access device to store said calculated value into the address limit memory (§0052 lines 3-6; record data generating equipment generates a layer boundary and stores the layer boundary in the disk drive)

20. Per claim 8, it contains the same limitation as claim 6 and is rejected for the same reason set forth in connection the rejection of claim 6.

21. Per claims 11 and 12, they contains the same limitation as claim 1 and is rejected for the same reason set forth in connection the rejection of claim 1.

22. Per claim 13, Tsuchiya discloses: **wherein said storage medium is an optical disc, and wherein said medium access device is a disc drive** (§0014 lines 1-2).

23. Per claim 14, it contains the same limitation as claim 6 and is rejected for the same reason set forth in connection the rejection of claim 6.

24. Per claim 26, it contains the same limitation as claim 1 and is rejected for the same reason set forth in connection the rejection of claim 1.

25. Per claim 27, it contains the same limitation as claim 3 and is rejected for the same reason set forth in connection the rejection of claim 3.

26. Per claim 28, it contains the same limitation as claim 1 and is rejected for the same reason set forth in connection the rejection of claim 1.

Allowable Subject Matter

27. Claims 9, 10 and 15-25 are allowed.

Response to Arguments

28. Applicant's arguments filed 2/26/09 have been fully considered but they are not persuasive.

29. Per argument on page 25, the examiner agrees with the applicant that the desired result of the instant invention is disclosed by the prior art. However, the examiner respectfully disagrees with the applicant's assertion and notes that Tsuchiya does disclose **changing the maximum value in said address limit memory**. The examiner notes that changing the maximum value is disclosed by the applicant in the specification (pg. 4) as: **the host determines a cell boundary by calculating a suitable value for maximum value (LAMax)**. The examiner further notes that the applicant agrees that Tsuchiya discloses that the border of a recorded data is changed (recording data generation step which generates/calculates the record position) to coincide with the layer boundary (pg. 1 claim 1 lines 3-6; as noted above). Therefore, the applicant's limitation of changing the maximum value as broadly interpreted is disclosed by Tsuchiya in combination with AAPA.

30. Per argument on page 26, the applicant argues that AAPA and Tsuchiya in combination do not disclose **a storage medium having at least one predetermined storage location for containing a value for a parameter indicating the maximum value of the logical addresses of the storage locations in the said first storage layer**. The applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them

from the references. Assuming *arguendo*, the examiner respectfully disagrees and notes that AAPA in combination with Tsuchiya does disclose the above disclosed limitation. AAPA discloses LAm_{max} (maximum value) stored on the storage layer. (pg. 4 lines 1-2).

Remark

Examiner respectfully requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line number(s) in the specification and/or drawing figure(s). This will assist Examiner in prosecuting the application.

Conclusion

31. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BABOUCARR FAAL whose telephone number is (571)270-5073. The examiner can normally be reached on M-F (Off every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reginald G. Bragdon can be reached on 5712724204. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. F./
Examiner, Art Unit 2189

/Reginald G. Bragdon/
Supervisory Patent Examiner, Art Unit 2189